

REMARKS

This Amendment under 37 C.F.R. §1.111 is being submitted in response to the outstanding Official Action dated October 19, 2005. In view of the above amendments to the specification and claims and the remarks which follow, reconsideration and allowance of this application is respectfully requested.

In the specification, the Summary of the Invention has been amended to provide literal support for certain of the originally filed claims. That is, the subject matter of claims 15 and 16 has been added to the third paragraph on page 6. Because this information was contained in originally-filed claims, the addition of the subject matter to the specification does not involve the introduction of new matter.

The following informalities were also corrected. On page 5, line 4, immediately following “cadmium”, “(cd)” is replaced with “(Cd)”. On page 5, lines 6-7, immediately following “. . . such as aluminosilicates.”, “Group IV and Group V semiconductor elements” is replaced with “Group III, Group IV, and Group V semiconductor elements;”.

Otherwise, Claim 11 is cancelled, without prejudice, and Claims 1-9, 12-13, and 15-16 have been amended to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. In particular, Claims 1-8 are amended so that they are now directed to composite materials. Claim 1 has been amended to clarify that the composite material with the nanoparticles dispersed therein has an attenuation of less than 10 dB/cm and is optically transparent to wavelengths at which excitation, fluorescence, or luminescence of the active ions occur. Essentially, Claim 1 has been rewritten to incorporate the limitations of claim 11. Applicants rely upon the attenuation of the composite material with the nanoparticles dispersed therein to distinguish over the state of the art. Because the language added to Claim 1 derives from originally-filed claims, the amendment to Claim 1 does not introduce new matter.

Claims 2-5, 8-9, and 12-13 are amended to conform with the changes to Claim 1.

This also does not introduce new matter to these claims.

Claims 6 and 7 are amended to include the designation of "Group III" and to clarify that the nanoparticles are at least one Group III, IV, or V semiconductor element, or at least one Group III-V, Group II-V, or Group II-VI semiconductor compound, doped with one or more active ions. Claims 15 and 16 are amended to clarify the plurality of different nanoparticles. These amendments do not introduce new matter.

For reasons which are submitted below, the claims are believed to be in condition for allowance. The amendments are believed to resolve the concerns raised by the Examiner. Accordingly, reconsideration is respectfully requested.

Turning to the official action, journal articles CA-CC and CF cited in the Information Disclosure Statement filed June 3, 2004 were not considered as to the merits because the page numbers were not listed on the Form PTO-1449. A new Form PTO-1449 is submitted with the response, listing the page numbers of each article with its respective citation. Additional copies of the articles are not currently enclosed because they were submitted previously. Applicants regret the confusion caused by omitting the page numbers from the article citations and respectfully request that these articles now be considered as to the merits. Acknowledgment by the Examiner that these articles have been considered is respectfully requested.

With respect to the claims, claims 1, 3, 4 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/00300067. Claims 1-3, 6-7 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,036,886. Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,893,999. Claims 1-4 and 6 are rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,117,363. Claims 6, 7, 9,13 and 14 are rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 5,893,999. Claims 1-3 and 6-8 are rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,113,807. Claims 9,10 and 12-14 are rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No.

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Application No. 10/791,953

Docket No. P22,557- A USA

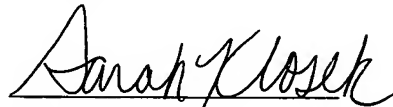
5,811,924 in combination with U.S. Patent No. 5,893,999. Finally, claims 1-6 and 9-17 are rejected for obviousness-type double patenting in view of claims 1-19 of parent U.S. Patent No. 6,699,406.

The Office Action indicates that the subject matter of claim 11 is patentable subject to the filing of a Terminal Disclaimer in view of claims 1-19 of U.S. Patent No. 6,699,406. Therefore, the subject matter of claim 11 is now included in independent claim 1. Dependent claims 2-10 and 12-17 also now include this subject matter. The rejection of claims 1-10 and 12-17 is therefore respectfully traversed in view of the above claim amendments and the enclosed Terminal Disclaimer.

Enclosed herewith is a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) and disclaiming the term of any patent issuing on the present application extending beyond the term of the cited patent. In view of the enclosed Terminal Disclaimer, reconsideration by the Examiner and withdrawal of this rejection is respectfully requested.

If the Patent Examiner has any questions or comments, she is respectfully requested to contact applicants' attorney at the telephone number indicated below. The Terminal Disclaimer fee of \$130 and the \$180 fee for filing the Information Disclosure Statement under 37 C.F.R. 1.97(c) are also enclosed. It is believed that no additional fee is required in connection with this amendment. However, if there are any additional charges, please charge the required fee to Applicants' deposit account number 19-5425.

Respectfully submitted,



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